

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE
LITIGATION

MDL No. 1456

Civil Action: 01-CV-12257-PBS

Judge Patti B. Saris

THIS DOCUMENT RELATES TO
01-CV-12257-PBS and 01-CV-339

AFFIDAVIT OF DENISE M. KASZUBA

STATE OF NEW JERSEY)
) ss:
COUNTY OF MIDDLESEX)

Denise M. Kaszuba, being duly sworn, deposes and says:

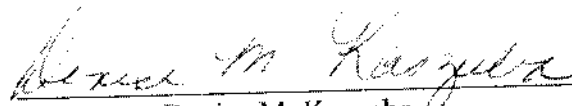
1. I am associate manager of pricing support in the department of Pricing Institutional Operations of Bristol-Myers Squibb Company ("BMS") in Plainsboro, New Jersey. Since the merger of Bristol-Myers and Squibb in 1991, I have been responsible for communicating BMS's wholesale list and direct list prices to customers and others, including industry publications such as the Redbook, First Data Bank and Medispan (the "Publications"). No prices would have been communicated by BMS to the Publications during that time period without my knowledge.

2. To the best of my knowledge, BMS has never communicated average wholesale prices ("AWPs") to the Publications. Prior to August 2001, BMS communicated a wholesale list price ("WLP") and a direct list price ("DLP") for each drug to the Publications, and the Publications calculated their own AWP based on

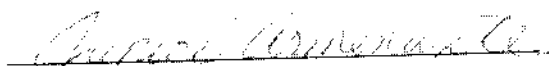
whatever mark up factor they deemed appropriate. Beginning in August 2001, BMS began to send a single list price to the Publications, to which the Publications applied a mark up factor to arrive at an AWP.

3. In 1992, I was directed to send the attached document to the Publications. That document states, in substance, that the mark up factor for determining AWP on BMS oncology drugs should be changed from 20.5% to 25%. The Redbook made that change, but First Data Bank and Medispan did not make that change. To the best of my knowledge, that is the only time BMS has made such a request, and given my position in the company, I would have known about any such request if it was made.

4. In 2002, First Data Bank changed the mark up factor that it used to calculate the AWP for certain drugs to 25%. BMS did not ask First Data Bank to do that, and we received no advance communication from First Data Bank that it was going to make that change. BMS first learned that First Data Bank had made that change when a customer pointed it out, and I was asked to communicate with First Data Bank to determine what had happened. I had a telephone conversation with Kay Morgan of First Data Bank in which she informed me that First Data Bank had decided to change the mark up factor on its own. The Redbook did not change its mark up factor at that time.


Denise M. Kaszuba

Sworn before me this 18th day
of February, 2004


Notary Public

JANICE ARMENANTE
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 12-31-09